

71-CR-37

(b)(6)

J.S. 2 mailed

3-2-72
3-31-71

Clerk

J.S. 3 mailed

5-3-71
9-30-72

Marshal

Violation T. 18, U.S.C.

Docket fee

1324 (a) (2)

Title Violation of Transport
law

Sec.

3-18-71

Indictment, filed in Open Court. r

3-18-71

Record vote of the Grand Jury, filed in open Court, r

3-30-71

Defendant present in person and represented. Defendant advised of charge, arraigned and enters plea of NOT GUILTY as to Cts. 1,2,3, 4 & 5, and case passed to next Jury Docket. Defendant granted 10 days to file motions and defendant to remain on present bond.(AEB-J)h

4-7-71

Defendant's motion to dismiss, filed. g

4-7-71

Brief in support of motion to dismiss, filed. 8

4-12-71

Response to Defendant's Motions to Dismiss and Suppress, filed by the Plaintiff. Filed: r

4-23-71

Case set for Jury trial on Monday, May 3, 1971 at 9:30 A.M. (AEB-J)h

4-27-71

Defendant present and represented. It is ordered that on defendant's request, hearing on motions is passed to Wednesday, Apr.28,1971 at 10:00 A.M.(AEB-J)h

4-28-71

Case called for hearing on motions . Defendant present in person and represented. Witness sworn. Statements made. It is ordered that defendant's motion to dismiss is granted and defendant's motion to suppress evidence is granted. Bond exonerated.(AEB-J)h

4-30-71

Judgment ~~and~~ filed. It is adjudged that motion of defendant to dismiss is granted, and the Indictment is hereby dismissed, and bond is exonerated. (AEB-J)h

Over

DATE	PROCEEDINGS
4-23-71	Case set for Jury Trial on the May 9, 1971, at 10:00 A.M. (AEB-J)js
4-30-71	Order Suppressing the Evidence and Dismissing the Cause, filed(AEB-J)js
5-26-71	Notice of appeal by USA, filed. cpies mailed to USCA & Pat Malloy. g
6-11-71	Transcript of proceedings on defendant's motion to dismiss and to suppress evidence, filed.(LEM-CSR) (file cpy only)g
6-29-71	Appeal record (orig. + 3 cpies) sent to USCA. g
2-14-72	Mandate & Opinion of USCA, 10th Circuit, reversing judgment of April 30, 1971, with directions to vacate order suppressing evidence and order dismissing, filed and spread of record. g
3-17-72	Application of the Plaintiff for Order for Production of Deft. for Setting Bond, filed. v
3-21-72	Hearing held on Application for order for production of deft. for setting bond. Parties present and represented. Application granted and Court directs the Deft. to voluntarily appear in 2 weeks from this date or to be picked up by U.S. Marshal as per order to be prepared by the Govt. (AEB-J)v
3-23-72	Order, filed that Deft is allowed 2 weeks to appear before Court for purpose of settling the matter of posting appear. Bond, if deft fails to appear, the Court to issue a bench warrant of arrest, filed. (AEB-J)r (Copies to attys)
4-10-72	Bench Warrant Issued as of this date. Copy to Marshal. v
5-9-72	Deft. appears in person and with counsel, Pat Malloy, Retained. Govt. rep. by Ben F. Baker. Hearing for the purpose of setting bond and a trial date. Bond is fixed in the amount of \$5,000.00, cash or surety; and the Deft. is allowed to make 10% bond. Case is to be set on the Jury Docket after the Jury Docket of May 22, 1972. -Also, Court allows Deft. to travel outside of this district. (AEB-J)v
5-9-72	Appearance bond of the deft. in the amt. of \$5,000 (10% cash), filed. hm
5-9-72	Order specifying methods & conditions of release, filed. hm
5-19-72	Return of Marshal's service of warrant for arrest, filed. Removed def. from Tarrant Co. Jail, Ft. Worth to Tulsa Co. Jail, Tulsa, Okla. on 4/28/72.rm
5-19-72	Return of Marshal's service of bench warrant, filed. on 4/28/72 removed def. from Tarrant Co. Jail, Ft. Worth to Tulsa Co. Jail, Tulsa. rm
7-14-72	Case set for jury trial 8-21-72 at 9:30 a.m. (AEB-J)hm
8-21-72	Case called for Jury trial. Parties present and rep. At request of govt., case is passed to Tuesday, Aug. 22, 1972 at 10:00 A.M., for ruling on on govt's oral motion for continuance, with def.'s objections.(AEB-J)h
8-22-72	Parties present and represented. It is adjudged that govt's motion for continuance is granted; Ben Baker, atty for govt to prepare order.(AEB-J)h
8-22-72	Order granting pltf. motion for continuance; case to be stricken from jury setting of 8/22/72 to be reset on next jury docket; pltf. allowed 30 days within which to notify court and defense counsel of availability of witnesses. (AEB-J) rm - copies mailed
9-11-72	Case set for jury trial on Monday, Sept. 25, 1972 at 10:00 A.M.(AEB-J)h
9-25-72	Defendant present in person and rep. Case called for jury trial, and stricken At request of govt, case dismissed; order signed and filed; bond exonerated.(AEB)
10-2-72	Order exonerating bond in amt. of \$500, posted by def.'s father, Frank Granado. (AEB-J)rm - copies mailed

UNITED STATES MAGISTRATE
NORTHERN DISTRICT OF TEXAS

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE

PATRICK H. MULLOY
(Name of magistrate)

Dallas

(Address)

MAGISTRATE'S
DOCKET No. 4-72 CASE No. 244
THE UNITED STATES
vs.
JUAQUIN A. GRANADO

Complaint filed on _____, 19____, by _____
Official title _____, charging violation of
United States Code, Title _____, Section _____, on _____
19____, at _____ in the _____
division of the _____ district of _____
as follows: _____

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date _____ Warrant/Summons for _____
(Name of defendant)
to (name and title of officer) _____
Substance of return _____

Date _____ Warrant/Summons for _____
(Name of defendant)
to (name and title of officer) _____
Substance of return _____

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date April 18, 1972 Arrested by _____ { on warrant of _____
(Name of issuing officer)
without warrant.

Appearances { for United States _____ (Name) _____ (Address)
for accused _____ (Name) _____ (Address)

Proceedings taken Defendant appeared on indictment 71-CR-37 from the Northern

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
District of Oklahoma, Tulsa in which he was charging with failure to appear

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

for the purpose of settling the matter of posting an Appearance Bond after
if that is the fact; any adjournments taken, etc.

having been given notice. The bond had been set at \$5000 surety. The case

it seems had once been dismissed in Tulsa but reinstated by the 10th

Circuit. 4/18 4:15 p.m. After a confirmation call by the Magistrate to
the U.S. Attorney's office in Tulsa it was found that the bond was an
instant bond and the Defendant was to be returned to Oklahoma without
further proceedings.

Outcome _____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19____, [or] committed to _____
on _____, 19____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19 ____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19 ____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19 ____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

United States

(Name) _____

(Address) _____

Accused

(Name) _____

(Address) _____

WITNESSES FOR UNITED STATES:

(List names and addresses)

WITNESSES FOR ACCUSED:

(List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19 ____
Proceedings taken _____

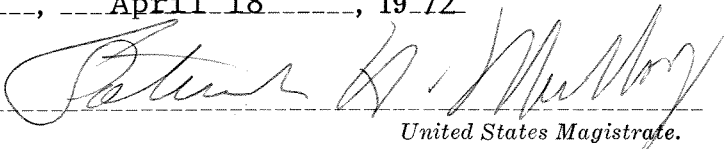
Outcome _____

Bail fixed _____, 19 ____ Amount, \$ _____ Bonded _____, 19 ____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 ____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19 ____ Committed to _____
on _____, 19 ____

Certified to be a correct transcript.

Made this 18th day of April, 19 72

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, Tulsa, April 18, 19 72


United States Magistrate.

[illegible]

Dated May 9, 1972

United States Magistrate

RECORD OF PROCEEDINGS IN CRIMINAL CASES

COMMISSIONER'S
DOCKET No. 1 CASE No. 373
THE UNITED STATES
vs.

Complaint filed on 2-8-71, 1971, by Oscar Cooper, Patri
 Official title Agent, Border Patrol, charging violation of
 United States Code, Title 8, Section 1324(a) on 2-6-71
 1971, at Miami, Okla in the Northern (Miami)
 division of the Northern district of Oklahoma
 as follows: willfully, knowingly and in violation of
law, transport and move by means of a motor vehicle,
from a point near Crystal City, Texas, to a point near
Miami, Ottawa County, Oklahoma, knowing they were in
the United States in violation of law and knowing or
having reasonable grounds to believe their last entry
into the United States occurred less than 3 years prior

Date 2-8-71 Warrant/Summons for Juquin A. Granado
U S Marshal etc. (Name of defendant)

Date 2-8-71 Arrested by Oscar Cooper, Patrol Agent, U. S. Border Patrol on warrant of U S Comm. (Name of Issuing officer)
without warrant. FEB 12 1971

Appearances { for United States None (Name) _____
for accused None (Name) _____

JOHN H. ROE, Clerk
U. S. DISTRICT COURT
(Address) _____

Proceedings taken complaint filed and warrant issued. Warrant served on def.

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared," "Deft present in open court without counsel," "Deft advised of his rights and his right to be represented by counsel at all states of the proceedings," "Deft is a U. S. Citizen and spoke English and there was not need for an interpreter, although he is of Mexican ancestry," "Deft waived his right to be represented by counsel and if that is the fact, any adjournments taken, etc.," "Deft waived his right to a preliminary hearing.")

Deft's bond was fixed at \$5,000.00 and on default of his bond he was committed to the U. S. Marshal for delivery at Tulsa, Oklahoma, before the U. S. District Court. The Deft was brought before the court on February 9, 1971, and executed a personal bond of \$5,000.00 and deposited with the court the sum of \$500.00 in cash being not more than 10% of the bond, such deposit is forwarded to the Clerk of the U. S. District Court, at Tulsa, Oklahoma, with the files attached to this transcript,

and executing the Conditions of Release. Deft released to return to his home
at Dallas, Texas, and advised to be present in the U. S. District Court at Tulsa,
Oklahoma, on February 23, 1971, at 10:00 A.M. 2-0-71

Klathoma, on February 23, 1971, at 10:00 A.M. Bonded - 2-9-71, 19____, by cash
Bail fixed 2-8-71, 19____ Amount, \$5000.00.
deposited by (name) Joaquin A. Granado - (500.00) Address 2411 Iroquois, Dallas, Texas.
transmitted to clerk of district court 2-11-71, 19____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated 5-9-71, 19____, [or] committed to _____
on _____, 19____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____Appearances for

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing_____names certified to United States Marshal for payment_____, 19____
Proceedings taken_____

Outcome_____

Bail fixed_____, 19____ Amount, \$_____ Bonded_____, 19____, by cash
deposited by (name)_____ Address_____
transmitted to clerk of district court_____, 19____
[or] by surety (names)_____ Address_____
and_____ Address_____
who justified by affidavit_____, 19____ Committed to_____
on_____, 19____

Certified to be a correct transcript.

Made this 11 day of February, 19 71

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, February 11, 19 71.

Charles F. Burns

United States Commissioner.